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Rashleigh's Trial and Conviction.

Tuesday, Feb. 29.—Hon. Samuel Dodge, Judge presiding; Edward Collier, Esq., District Attorney; Chas. Schmidt, Clerk; A. B. Hall Sheriff.

The Court met at 10 o'clock A. M.

The minutes of Wednesday were read and approved.

The State of Texas vs. Jesse C. Wagner. The District Attorney announced himself ready to proceed to trial. The defendant, through his attorneys, Col. Manly and Capt. Birziza, asked for a continuance until Saturday morning, March 2, which application, after discussion, was granted by the court.

CASE OF RAY PHILLIPS.

The State of Texas vs. F. F. Rashleigh, alias Ray Phillips. Indictment for unlawful marriage.

The State having, through its attorney, announced itself ready for trial, the counsel for defendant, Major M. Looscan, stated verily that not having prepared a written application for a continuance, he should ask for sufficient delay in the proceedings to enable him to prepare a motion to that effect, which request was granted, and one hour allowed for the preparation of said instrument in writing.

During the interval, the grand jury appeared in open court, and presented four indictments.

At half-past twelve the attorney for Phillips offered an application for a continuance, upon the following grounds: That his client previous to his marriage with Miss Edwina Shearn, in Houston, Texas, had applied for and obtained a judgment and decree of divorce from his first wife, Lottisa Voyle. That said decree of divorce had been granted by the District Court of Cook county, Illinois. That the records of said court had been destroyed by the great fire in Chicago. That his client had used every diligence to obtain a copy of said decree; and produced in court a letter purporting to have been written by Mr. Pratt, of 1124 Wabash street, Chicago, who stated

that the records had been destroyed, and that it would be cheaper for Phillips to obtain a new decree than to try to get a copy of the old one. The counsel for the inspection of the Court, tending to show that it was generally believed in Carbondale, Pa., that Rashleigh, alias Phillips, had secured a divorce from his first wife.

The motion was opposed by the prosecution upon several distinct grounds. One was that there was no such Court existing in the State of Illinois as the District Court of Cook county.

The counsel for the defense there explained that the insertion of the word "district" was an oversight upon his part in the haste of preparing the motion.

Mr. Usher, of the prosecution, then proceeded to say that the letter from Chicago bore no official character; that it was not even authenticated by a postoffice stamp, and might have been written in Houston; therefore, it could, have, no weight in this Court, as there was no official or reliable evidence that its statements were entitled to credence.

Capt. Collier, the District Attorney, followed in a lengthy argument intending to show that there was no evidence advanced by the defense to show that due diligence had been used to procure depositions of non-residents as to the alleged decree by the Illinois court; that on the contrary everything went to show that no steps had been taken in that direction. He denied that the prosecution had made any effort to force the defendant to trial, and cited the previous continuances granted him.

The counsel for the defense argued that the oath of his client setting forth that he was prepared to establish his innocence of the crime with which he was charged was entitled to as much credence as any citizen of Houston, as he must be deemed guiltless until a conviction was had. He also thought that the gentlemen engaged in conducting the prosecution, had been sleeping with the Galveston News under their pillows, to inspire them with such haste to proceed with the trial. As for the discussion introduced by the District Attorney, that the defendant had neglected to propound interrogatories to non-residents, he wished to say that he did not consider it at all relevant. It did not matter what was the name of the defendant's attorney in Chicago, or the names of any witnesses that may have been introduced in the suit or divorce. They only desired an opportunity to introduce as evidence an official copy of the decree of said court.

Upon the conclusion of the argument of counsel, the court rendered its decision, overruling the motion. The court then took a recess of an hour.

AFTERNOON SESSION.

The court met at three o'clock P. M. The defendant, F. Frank Rashleigh, alias Ray Phillips, appeared somewhat nervous as he approached the bar with his attorney, but nothing more than might reasonably be expected under the circumstances, for the announcement that his trial would positively commence had attracted a large concourse of citizens, with the faces of most of whom he was doubtless familiar.

After the reading of the indictment by District Attorney Collier, the following jury was empaneled:

S. L. Hohenthal, Frank DeEnde, J. J. Nelson, H. Dettmar, E. L. Perkins, C. Solomon, H. Bensley, J. V. Newton, J. Robinson, Bob Clarke, Richard Bateman and John Spiggins—the last four colored.

A SUDDEN CHANGE.

Shortly after the jury was empaneled and sworn that was to try the cause, Mr. Thomas Voyle, of Carbondale, Pa., entered the court room, having with him the register of the defendant's marriage with his daughter, and other documentary evidence. It then became necessary for the accused to change his line of defense. Consequently, after a brief consultation, Major Looscan arose and addressed the Court as follows: